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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/843,749	04/30/2001	W. Kenneth Wilkinson		4248	
7590 02/11/2004			EXAM	EXAMINER	
Leander F. Aulisio Suite 1002			SERGENT, RABON A		
2001 Jefferson I	Davis Highway		ART UNIT	PAPER NUMBER	
Arlington, VA 22202			1711		
	•		DATE MAILED: 02/11/2004	1	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Application No.   Og/843,749   WILKINSON, W. KENNETH	f ·	4	ebl	$\int$					
Examiner   Rabon Sergent   1711		Application No.	Applicant(s)	<u>U 1</u>					
Ration Sergent   1711    - The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Esteralized of time may be available under the provisions of 3 (75R 1.138(a)). In an event, however, may a reply be limely filed after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (60) days, a reply within the statutory minimum of thirty (30) days will be considered simely.  Failure to reply specified above is less than three mailing date of this communication.  If the period for reply specified labove is less than three mailing date of this communication. The relative to reply within the set of extended in the mailing date of this communication, and the provision of the mailing date of this communication, even if timely filed, may reduce any semined patent term adjustment. See 37 CFR 1.704(b).  Status  1)  Responsive to communication(s) filed on 30 June 2003.  2a)  This action is FINAL.  2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/e, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s)		09/843,749	WILKINSON, W. KENNETH						
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.138(a). In or event, however, may a reply be simely filled after Six (o) (MCNTHS from the mailing date of this communication.  Extensions of time may be available under the provisions of 37 CFR 1.138(a). In or event, however, may a reply be simely filled after Six (o) (MCNTHS from the mailing date of this communication.  Extensions of the may be available under the provisions of 37 CFR 1.138(a). In or event, however, may a reply be simely filled after the mailing date of this communication.  Extensions of the may be available under the provisions of 37 CFR 1.138(a). In or event, however, may a reply be simely filled after the mailing date of this communication.  Failure for legy within the set or extended period for reply will, by statute, cause the application to become ABANDONED 26.5 (3.13). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any earned period to reply will be concidented to the communication.  Failure for exply within the set and active the mailing date of this communication, even if timely filled, may reduce any earned period to reply will be provided to the communication.  Failure for exply within the set and active the mailing date of this communication.  Status  1) □ Responsive to communication (s) filled on 30 June 2003.  2a) □ This action is FINAL.  2b) □ This action is FINAL.  2c) □ Claim(s) 1 11,453 □ C. 2 13.  Explained this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 □ C.D. 11, 453 □ C.D. 11, 453 □ C.D. 2 13.  Explained this active the provision of the prinal transfer of the prinal transfer of the prinal transfe		<u> </u>							
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<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>	Priority under 35 U.S.C. § 119								
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* See the attached detailed Office action for a list of the certified copies not received.									
		· · · · ·	received.						
Attachment(s)	Attachment(s)								
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)  Pages No(s)/Moil Page									
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7.  Selection of Information Disclosure Application (PTO-152) Other:	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7.	5) 🔲 Notice of Ir	formal Patent Application (PTO-152)						

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1. The amendment filed June 30, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amendments pertaining to the molecular weights being number average molecular weights and the amendment to the isocyanate group to hydroxyl group ratio on page 9. Despite applicant's response, applicant has failed to establish that the specification, as originally filed, provides support for the respective amendments.

Applicant is required to cancel the new matter in the reply to this Office Action.

- 2. Claims 1 and 4-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Despite applicant's response, applicant has failed to provide support for the amendments specifying that the molecular weights are number average and the amendments to claims 10 and 20 drastically changing the isocyanate group to hydroxyl group ratio.
- 3. Claims 10-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Within section h) of claim 10 and section g) of claim 20, it is unclear what parameters must be satisfied in order for the reaction conditions to be "suitable". Furthermore, it is unclear what constitutes "suitable reaction conditions".

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4. Claims 10-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Within claims 10 and 20, applicant has specified an isocyanate group to hydroxyl group ratio of about 2:1 to 1:1.1 for the "soft" polymer; this range encompasses polymers having isocyanate termination and polymers having hydroxyl termination. Applicant has failed to provide adequate guidance with respect to how this polymer is to be reacted with the "hard" polymer or "hard" segments, given that the "soft" polymer may be hydroxyl functional or isocyanate functional, depending on the aforementioned ratio. For example, with respect to claim 10, it is unclear how the process is to be carried out when both the "soft" polymer and "hard" polymer are hydroxyl functional.

5. Claims 10-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Since the glycol has not been distinguished from the "polyol prepolymer", the position is taken that neither meaningful nor quantitative distinction can be made between the "soft" segments and the "hard" segments. Since the definition of the "soft" segments and "hard" segments appears to be central to applicant's invention, the position is taken that the failure to distinguish the respective reactants renders the claims indefinite.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Rabon Sergent at telephone number (571) 272-1079.

RABON SERGENT PRIMARY EXAMINER

R. Sergent

February 9, 2004